

# News from Ed Markey

**United States Congress**

**FOR IMMEDIATE RELEASE**

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## **MARKEY WARNS BUSH PROPOSAL WILL UNDERCUT MEDICAL PRIVACY**

*Lawmaker joined by 38 House Democrats  
in commenting on proposed changes to HIPAA privacy rule*

**WASHINGTON, DC --** Representative Edward J. Markey (D-MA) co-chair of the Congressional Privacy Caucus today joined with 38 House Democrats in submitting a seven page comment letter to Health and Human Services (HHS) Secretary Tommy Thompson detailing concerns with the Administration's proposal published in the March 27, 2002 edition of the December 28, 2000 *Federal Register* to modify the final medical information standards mandated by the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

"With this proposal the Bush Administration shreds a patient's right to consent and shrouds the definition of marketing in a cloak of exceptions. These exceptions will allow companies to use health information to target patients for marketing without their knowledge or permission and with no opportunity for patients to "opt-out" of receiving further communications. As if this weren't bad enough, the Administration apparently prefers to leave patients in the dark regarding to whom their medical records are exposed and for what purpose. While the final Clinton rule appropriately required an accounting of how information is used and disclosed pursuant to a patient authorization, the Bush Administration proposal now seeks to revoke this right.

"Unfortunately, this misguided proposal turns the final medical records privacy rule into a medical records piracy rule. The interests of big business should never override the interests of patients. The American public deserves the strongest health information privacy protections possible which will lead to the best quality health care."

HIPAA mandated the promulgation of medical privacy standards by HHS after Congress failed to meet its 1999 deadline to pass a medical privacy law. During development of the standards, the views of Congress and interested parties were given extensive consideration. The proposed rule issued in November 1999 was subject to an extended comment period at the request of industry and consumer groups. Subsequently, the Department received and considered over 52,000 comment letters over a ten-month period before issuing a final rule in December 2000. Following Bush Administration signals to postpone the April 14, 2001 implementation date of the final rule, Rep. Markey successfully urged the Administration to allow the regulations to take effect. The Department's March 27, 2002 proposal would rollback some of the key privacy protections contained in the Clinton final rule.

To view the letter or for further information, visit Rep. Markey's web site at [www.house.gov/markey](http://www.house.gov/markey)

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